

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was **not** written for publication in a law journal and (2) is **not** binding precedent of the Board.

Paper No. 14

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte PETER MERCHANT

Application No. 09/546,962

MAILED

JAN 29 2004

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on December 30, 2003. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

On August 15, 2003, Appellant filed a Reply Brief. A review of the file reveals that the Reply Brief needs to be considered by the examiner with respect to compliance with the criteria set forth in 37 CFR §§ 1.197 and 1.198. A communication notifying appellant of the primary examiner's decision is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner for consideration of the Reply Brief, notification to applicant of considered and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INFERENCES

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